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09/904,311	07/11/2001	Kemal Guler	10014420	2098

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EXAMINER

BASHORE, ALAIN L

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/904,311

Filing Date: July 11, 2001

Appellant(s): GULER ET AL.

Ellen Baker
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3-10-06 appealing from the Office action

mailed 9-7-05

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0009421	Bansal et al	1-2003
2002/0073009	Hogg et al	6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22, 26, 30, 34, 39, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bansal et al in view of Hogg et al.

Bansal et al discloses a method for determining risk attitudes for bidders. Auction data is analyzed of previously conducted auctions and risk attitudes for bidders is determined (para 0148, 0149, 0123). Additional auctions may be conducted (para 0151).

Bansal et al does not disclose:

determining private information for the bidders submitted in a utility-independent auction.

Hogg et al discloses determining private information for the bidders (para 0022), conducting further auctions to determine sufficient private information (para 0024), and a table (fig 3).

It would have been obvious to one with ordinary skill in the art to include determining private information for the bidders submitted in a utility-independent auction because Hogg et al teaches that important information may be gathered from such information in any auction (para 0005) and because Hogg et al teaches variability in information needed (para 0024).

Claims 23-25, 27-29, 31-33, 35-38, 40-41, 43-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Allowable subject matter requires a second level review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

(10) Response to Argument

Risk class information gathering is encompassed within the recitation of determining risk attitudes. There is nothing specifically described in appellants specification as a definition that precludes "risk attitudes" from encompassing the prior art description of risk information gathering as described by Bansal et al.

The reference to Hogg et al teaches in para 0001 that a commodity may be a good, service, or combination thereof. The latent demand described by Hogg et al appears to be private information.

The refrence to Campo was not utilized in the rejection of record on appeal. Since both Bansal et al and Hogg et al describe computerized transactions of supply and demand, there is no teaching away.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

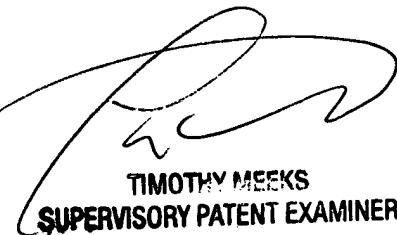
(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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PRIMARY EXAMINER

Conferees:


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